

Exhibit 138

(Filed Under Seal)

1 IN THE UNITED STATES DISTRICT COURT

2 IN AND FOR THE DISTRICT OF DELAWARE

3 - - -

4 FOREST LABORATORIES, INC., et al., : CIVIL ACTION

:

5 Plaintiffs, :

6 v. :

:(Consolidated)

:

7 COBALT LABORATORIES, INC., et al., :

:

8 Defendants. :

: NO. 08-21 (GMS/LPS)

9 - - -

10 Wilmington, Delaware,
Monday, December 15, 2008 at 10:06 a.m.

CLAIM CONSTRUCTION HEARING

11 - - -

12 BEFORE: HONORABLE **LEONARD P. STARK**, Magistrate Judge

13 - - -

14 APPEARANCES:

15 MORRIS, NICHOLS ARSHT & TUNNELL, LLP

BY: JACK B. BLUMENFELD, ESQ.

16 and

17 KIRKLAND & ELLIS, LLP

BY: JOHN M. DESMARAIS, P.C., ESQ.,

18 GERALD J. FLATTMANN, JR., ESQ., and

MELANIE R. RUPERT, ESQ.

19 (New York, New York)

20 and

21 JONES DAY

BY: F. DOMINIC CERRITO, ESQ., and

22 ERIC C. STOPS, ESQ.

(New York, New York)

23 Counsel for Plaintiffs

24
25 Brian P. Gaffigan
Registered Merit Reporter